

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM A. RANKIN-PETITIONER

VS.

COMMONWEALTH LAND TITLE INSURANCE COMPANY'S., ET AL.,

RESPONDENT(S)

COLLENE K. CORCORAN

Trustee

**ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

“Petition Writ of Certiorari”

“Brief for Respondent”

WILLIAN A. RANKIN

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Q

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On petition for a writ of Certiorari to the

United States Supreme Co.

THIS IS A CONSTITUTIONAL CASE

I, William A. Rankin, a Pro Se for Petitioner William A. Rankin, hereby certify, pursuant to Rule 29.2 that on December 3, 2002, I timely filed Petitioner's petition for writ of certiorari, appendix, motion to proceed in forma pauperis (IFP"), and proof of service in this Court.

Accordingly, the petition was timely filed pursuant to rule 29.2. I declare
under penalty of perjury that the forgoing is true and correct.

December 13, 2022

Signature 

William A. Rankin
Pro Se of Record for Petitioner

QUESTION(S) PRESENTED

1. Did the Trustee and Respondents, use the Bankruptcy Court intentionally for misuse of a personal or another purpose?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

A parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Paul Wood, Deceased, Karla Volke Wood;
2. Joel R. Dault; Progressive Title Insurance Agency;
3. Atty Robert T. Detweiler; deceased;
4. Atty Timothy P. Macdonald of Brian Lavan Associates P.C.; deceased;
5. Atty James Lanzetta;; Gen Mg. for Commonwealth Land Title Ins. Co.;
6. Atty David A..Lerner; Plunkett & Cooney PC.;
7. Trustee Colleen K. Corcoran,;
8. Nuveen Assets & Management LLC.
9. Teachers Insurance annuity and association of America

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(Judgment)

Bass v. Hoagland, 172 F. 2d at 207-08 (defendant did not participate in litigation).

Bullock v. Philip Morris, 138 Cal. App . 4th 1029 (Cal. Ct. App. 2006) (Judgment)

Bonner v. State 1923 OK CR 47, (2/10/1923) (Judgment)

Haines v Kerner, 404 U.S. 519, Reversed and Remanded

Magidson v. Duggan, 212 F.2d 748, 752 (8th Cir. 1954). (Judgment)

Whittaker v. Southwestern Life Insurance Company.(Feb. 2,2004) (Jury)

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CONSTITUTIONAL AND STATUTORY

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Rule 4.

Rule 4(a)(C)

Rule App P. 6(b)

Rule (60)(b)

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States Court of Appeals appears at "Appendix A & B" to the petition and is

reported at _____; or

has been designated for publication but is not yet reported; or

is unpublished.

The opinion of the United States District Court appears at "Appendix C" to the petition and is

reported at _____; or

has been designated for publication but is not yet reported; or

is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case
was October 26, 2022.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of
Appeal on the following date: _____, and a copy of the order
Denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted
To and including _____ (date) on _____ (date)
in Application No. A,

The jurisdiction of this Court is invoked under 28 U.U.C. §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. 2107(a); Time for Appeal;

If Dist. Court ruling are void and jurisdiction; Rule (60)(b) because defendant admit to fraud Sept 10, 2022 with no response; this was in the (Court of Appeals Court) then; (1) the defense, has no protection for their unconstitutional act. (2) the bankruptcy stay was violated; Therefore, there would not be a time limit set. (3) There is a violation of the Fourth AmendmentAct, was an illegal search and seizure. (4) Evidence supports that; defendants used bankruptcy court for their personal scheme.

How is one to calculate when Rule 27(a) go into effect.

Rule 4. Appeal as of Right—When Taken

(a) APPEAL IN A CIVIL CASE.

(C) An appeal from an order granting or denying an application for a writ of error *coram nobis* is an appeal in a civil case for purposes of Rule 4(a)(C).

Rule App P. 6(b) would say I, am complying. I have the Constitutional Right to protect my home. *Marbury v. Madison* states “All law (rules and practices) which are repugnant to the Constitution are VOID”

The Defendants, submitted -Evidence supports that the Court of Appeals err in their decision.

STATEMENT OF THE CASE

Did we have sufficient funds?

1. Michigan Law wants to know the primary question is whether the Debtors fully performed their obligations under the land contract¹ Title Company Escrow account says \$286,000.00 in account Feb. 14, 2002 (Ex K-1) for \$280,000.00 to pay off contract. Mich Comp. Laws Ann. 565.361(1) says; is a commitment for contract and Seller's will pay a penalty; if not honored.
2. The evidence by Respondents' was held up intentionally for 865 days.
3. The Ninth Circuit Court of Appeal, In the case of *Pumphrey v. K.W. Thompson Tool Co.*, 62 F.3d 1128, 1131 (9th Cir. 1995) held that a lawyer's failure to disclose evidence during discovery constituted fraud upon the court. Their evidence shows the reason; (intentional Scam and Scheme to embezzlement).
4. Atty (One, Withheld Evidence) The Trustee Corcoran: issue was to use the court to promote a scheme; the Woods for racial discrimination and use the proceeds to pay Trustees' attorney fees; by using the court. ²

¹ Mich Comp. Laws Ann. 565.361(1) States: Section 565.361(1) - Payment and performance of contract obligations; conveyance of land.

² Subsection (1) of Section 154 provides; A person who being a custodian, trustee, marshal, or other officer of the court., knowingly purchases directly or indirectly any property of the estate of which the person is such an officer in a case under title 11; shall be fined; and shall forfeit the person's office, which shall there upon become vacant.

5. **Plan to defraud;** (1) get the property back to the Wood's. (near a Klu Klux Klan area) pay (her) Trustee debt to Plunkett & Cooney; see (A-20);

Intent to defraud; (2) she (Trustee) withheld evidence 490 days, March 13, 2003 for Specific Performance; to Evidentiary Hearing which started in September 2004; *In Re Case No. GG0314425.*

It had natural tendency to influence; (3) Trustee's December 17, 2002, (Ex C-1) Compromise Claim, pg. 2; identical to (Debtors') February 23, 2002; Mitigation Letter, (Ex A-1) 8 days late (Feb 15, 2002) was pay day for the seller's.. She did not use the (Ex F-4) October 15, 2002 subpoena from Progressive Title Insurance Agency.

(4) She used the (Temporary Judge) Court (See pg. 5, lines 7-14, & Ex- 118), Wood's offer to pay \$10,000.00, to the bankruptcy estate; and Woods' get property. Then estates funds to pay off her debt to (Ex-A-20) Plunkett & Cooney's Law firm \$3,000.00 services. Section 152,³ of Title 18 of the U.S. Code.

(5) Further the scheme; April 16, 2003, (32 days later), (With a different permanent judge) trustee ask the court for an IRS Criminal Division for 2 yrs. (Ex 119 & 120).

How this was done. The title agent Joel R. Dault, of Progressive Title Insurance Agency Co., was licensed only 47 days on the job, (Jan. 1, 2002 – Feb. 15 from

³152(4) knowingly and fraudulently present any false claim for proof against the estate of a debtor.

Commonwealth Land Title Ins. Co., Atty James Lanzetta of Commonwealth Land Title Ins. Co.. “A title insurer is liable for the defalcation, conversion, or misappropriation by a title agent appointed by or under written contract with such title insurer of escrow, settlement, closing , or security deposit funds handled by such title agent in contemplation of or in conjunction with the issuance of a title insurance commitment or title insurance policy by such title insurer”.

The General Manager of the area; is responsible for Mr. Daults’ (as being under trained) (Sept. 23, 2022 Mr. Lanzetta did not respond to his Admission Statement) same behavior as in *Whittaker v. Southwestern Life Insurance Company*.

6. The next issue is; Atty (**Two, Withheld Evidence**); if the Bankr. Judge violates his authority of the stay intentionally; Evidence supports he may, by withholding evidence for 280 plus days (No ruling from evidentiary hearing from the end of May 2005-March 11, 2006). Court docket shows we knew nothing about a ruling.

As a debtor (with a stay) we were protected by the bankruptcy code. *Walls v. Wells Fargo Bank, N.A. 276 F.3d 502, 510 (9th Cir. 2020)* held that the FDCPA is not needed to protect debtors protected by the automatic stay and other provisions of the Bankruptcy Code.

Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958) states: Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of **the supreme law of the land**. The judge is engaged in acts of treason. The U.S. Supreme Court has stated "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it".

7. Atty (Three Withheld Evidence) Mr. Macdonald of Brian Lavan Associates P.C. Law Firm; replacement (Mr. Detweiler, Ex BB-CC-DD #4 & pg15, lines 12-17); shows (Ex docket pg. 37 of 38; #393 - #394) withheld the Proof of Service.⁴ This supports the claim, of Fourth Amendment violation. On September 10, 2022, in the Court of Appeals, Trustee and Mr. Macdonald admit to fraud, through their unresponsive to their Admission Statement. Therefore, no respondents have a response.

SUMMARY OF THE AUGUMENT

8. Lower federal courts and State courts need guidelines as what the constitutional law is, and not having guidelines can cause extensive litigation as in the case at bar. A good example is the Rooker-Feldman doctrine where this court reigned in Courts of Appeals in the *Exxon Mobile Corp., v. Saudi*

⁴*Norton v. Shelby County*, 118 U.S. 425 P. 442 "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection."

Basic Industries 544 U.S. 280 (2025). In the case at bar the unbridled reigns stopped petitioners void judgment horse. Corruption takes the place of justice when procedural Rules are allowed to be disregarded.

9. Definite guidelines⁵ speed up the efficiently of the courts, thereby cutting back on frivolous appeals where parties claim a judgment is void, Courts Would Rather Side with Large Firms by Dismissing on A Non-Jurisdictional Grounds Than Siding with A Pro Se Litigant's Constitutional Rights that have been mandated by this court many times.

10. Judge Posner stated that void "lacks a settled or precise meaning, and [t]he standard formulas are not helpful, See *In re Edwards* 962 F.2d 641, 644 (7th Cir. 1992).

In the 1946 amendment to Rule 60 of the Federal Rules of Civil Procedure, the advisory not stated, "It should be noted that Rule 60(b) does not assume to define the substantive law as to the grounds for vacating judgments, but merely prescribes the practice in proceedings to obtain relief.

11. Jeffries; a Comment on the Constitutionality of Punitive Damages, 72 Va. L. Rev. 139 (1986) (Jeffries); Note, the Constitutionality of Punitive Damages under the Excessive Fines Clause of the Eighth Amendment, 85 Mich.L.Rev. 1699 (1987) (Note). ... a chronological account of the Clause and its antecedents demonstrates that the Clause derives from limitations in

⁵Definite guidelines: Rule 52(a)(1)(6) and rule 58(a)(5). Finding and Conclusions are legal.

English law on monetary penalties exacted in civil and criminal cases to punish and deter misconduct.

12. This Court's cases leave no doubt those punitive damages serve the same purposes -- punishment and deterrence -- as the criminal law, and that excessive punitive damages present precisely the evil of exorbitant monetary penalties that the Clause was designed to prevent.

13. (Holmes, J., dissenting), the Eighth Amendment does not incorporate the views of the Law and Economics School. The "Constitution does not require the States to subscribe to any particular economic theory." *CTS Corp. v. Dynamics Corp. of America*, 481 U. S. 69, 481 U. S. 92 (1987). Moreover, as a historical matter, the argument is weak indeed.

14. They used the Bankruptcy Court to do the scheme⁶ regardless of whether it is ultimately determined to be property of the estate. *Meagher v. United States*, 36 F.2d 156 (9th Cir. 1929). Evidence supports that the eviction was April 11, and proof of service Apr. 12, 2006. *Jones v. H Mayer Co.* 392 US (1968)⁷;

⁶18 U.S.C. § 153 provides: Whoever knowingly and fraudulently appropriates to his own use, embezzles, spends or transfers any property or secretes or destroys any document belonging to the estate of a debtor which came into his charge as trustee, custodian, marshal, or other officer of the court, shall be fined. Or imprisoned... or both.

⁷ Promote a discrimination scheme

15. All officers of the court are hereby placed on notice under authority of the supremacy and equal protection clauses of the United States Constitution and the common law authorities of *Haines v Kerner*, 404 U.S. 519,

16. *Platsky v. C.I.A.*, 953 F.2d. 25, and *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000) relying on *Willy v. Coastal Corp.*, 503 U.S. 131, 135 (1992), “*United States v. International Business Machines Corp.*, 517 U.S. 843, 856 (1996), quoting *Payne v. Tennessee*, 501 U.S. 808, 842 (1991) (Souter, J., concurring).

17. *Trinsey v. Pagliaro, D.C. Pa. 1964*, 229 F. Supp. 647, *American Red Cross v. Community Blood Center of the Ozarks*, 257 F.3d 859 (8th Cir. 07/25/2001).

18. *In re Haines*: pro se litigants (Defendant is a pro se litigant) are held to less stringent pleading standards than BAR registered attorneys *In re Anastasoff*: Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. All litigants have a constitutional right to have their claims adjudicated according the rule of precedent.

19. See *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000). Statements of counsel, in their briefs or their arguments are not sufficient for a motion to dismiss or for summary judgment, *Trinsey v. Pagliaro, D.C. Pa. 1964*, 229 F. Supp. 647.

REASON FOR GRANTING THE PERTITION
THE EMBEZZLEMENT SCHEME

1. Was the finding of my submitted evidence support the Respondents' use of 11 U.S.C. 523(a)(2)⁸ "False Statements"⁹ to violate the Debtors rights?

Inre Schewer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) states: "when a state law in a manner volatile of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

Submitted misleading exhibit 15 U.S.C.A. 1692ej, Furnishing deceptive forms; Rule 52 of the Federal Rules of Civil Procedure, 28 U.S.C.A., when (1) not supported by substantial evidence, (2) contrary to the clear preponderance of the evidence, or (3) based upon and erroneous view of the law. *Magidson v. Duggan*, 212 F.2d 748, 752 (1954).The authorities also, refunded the estate and discharged the trustee. *Schneider v. Duggan*, 364 F.2d 316, 317 (1966).

⁸Trustees and other fiduciaries may channel money that is intended for one purpose into another direction altogether. Or they may knowingly fail to account for monies received that are intended for a client.

⁹Scott Harris. Defalcation. Accessed May 12, 2021.

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The Judge has acted in the judge's personal capacity and not in the judge's judicial capacity.

If you were a non-represented litigant, and should the court not follow the law as to non-represented litigants, then the judge has expressed and "appearance of partiality" and, under the law, it would seem that he/she has disqualified him/herself.

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest the he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce.

"No State shall make or enforce any law which shall ...deny to any person within its jurisdiction the equal protection of the laws." See *Strauder v. West Virginia*, 100 U.S. 303 (1879).

This would mean, instead of me only having a 1% chance of a hearing, it could possibly see my case ruled; as less than a day; to make a ruling on. This could increase my chances significantly of being heard. My family and I,

have suffered "needlessly" for 20 years, for buying a home in good faith. I believe we have paid the price for this request.

2. We request that the Respondent, Plunkett and Cooney P.C. Law Firm pay the court cost immediately for the Petitioner case.

In our Statement of Claim-Debt, we request this Law Firm pay us up front and collect the debt from the other respondents.

And naturally, because Plunkett and Cooney P.C. Law Firm was part of the embezzlement scheme (\$3,000) and there are no responses and no guidelines under the Eighth Amendment for private parties; this entire request can be granted immediately. I see this as a win, win situation. The Court got paid immediately for its services; with minimal time, possibly less than hours invested and the Petitioners' are made whole. For this reason and the time it would take to decide; I believe the constitutional law would allow this request, maybe instantly.

STATEMENT OF CLAIM-DEBT

TYPE OF CLAIMS

42 USC §1983/FOURTH AMENDMENTS

Violation of Discrimination Section 1982 & Section 1983 for evilness; IIED, Fraud, Grossly Negligence, Cause of Action, Specific Intent, Actual Malice, Willfulness; Search and Seizure

RELIEF CLAIM

We wish to use each defendants gross wealth of a total of (5%-22% Percent) The clear understanding is; Fidelity National Financial Inc , bought Commonwealth Land Title Ins with others Title Companies December 22nd, 2008 with a wealth of 5.5B by Chairman William P. Foley III; Fidelity National Financial Inc (NYSE:FNF) Shares Bought by Nuveen Asset Management LLC Posted by Joseph McCarthy on Oct 2nd, 2019 Nuveen Asset Management LLC raised its holdings in Fidelity National Financial Inc.,

Teachers Insurance and Annuity Association of America (TIAA) acquired Nuveen Asset portfolio April 14th , 2014 of \$231B. That was Nuveen gross wealth; therefore, we are asking for TIAA/Nuveen Asset Nuveen/ (TIAA) gross wealth is; over a trillion dollars to Two Trillion Dollars which is our understandings, therefore \$450 Billion Tax Free is our request. However, (TIAA) Headquarters' is moving, meaning Nuveen Asset Management is not getting (TIAA) correspondence in Chicago at. 333 West Wacker Drive, Chicago, IL 60606.

“The amount of the claim, is not the issue; the issue, is based on due process”

Special Sanction Requests

Plunkett and Cooney P.C. Law Firm will pay the Supreme Court, the court cost immediately for the Petitioner case.

Sanctions Requested

Special request for frivolous filings;

- a. From: Collins Einhorn and its Attorney or Attorneys of \$11,700,000.00,Eleven Million Seven Hundred Thousand Dollars Tax Free, for frivolous fillings; paid immediately on court signing date of Order.
- b. From: Hertz Schram P.C. Law Firm and its Attorney or Attorneys of \$12,700, 000.00, Twelve Million Seven Hundred Thousand Dollars Tax Free, frivolous fillings ;paid immediately on court signing date of Order.
- c. From: Trustee Colleen K. Corcoran \$150,000.00 One Hundred Fifty Thousand Dollars Tax Free paid immediately on court signing date frivolous fillings.
- d. Special request for Discovery Abuses; withholding evidence for over 865 days; all rewards (Tax free) on all Appellees stated on Caption. Their Evidence shows March 13, 2002 to July 28, 2004, evidence was held.
- e. Teachers, Insurance, and Annuity Association of America:/Nuveen Asset Management; Commonwealth Land Title Insurance Company a foreign corporation;

- f. Request of \$2 Billion Dollars, paid within (5) Five days of Order signed and will be deducted from the \$450 Billion requested; or will increased to
- g. \$4 Billion Dollars and no deduction from the \$450 Billion requested; Tax Free. This Request will be fulfilled in Ninety Days from this Order.
- h. Because Plunkett Cooney PC is a major law firm with over 200 lawyers they can be assigned through Court Order to fulfill our request (no guidelines and they have no response to our request to take the lead of recovery from these Appellees below): Also, they Will pay the request up front and get their recovery from the remainder Appellees; not to mention they embezzled property and money from the court. My research says they are a Billion Dollar law firm; therefore, this request is reasonable. That they pay the Orders to me and they know the laws for the decease and other participants; along with the man power to see that this request is done properly.

Furthermore; all requested sanction and fines are taken care of along with the \$150 Million Dollar request. Again, they have knowledge, man-power, the law and the money to honor our request. Or they know how to get it. We have suffered long enough through these fraudulent ventures. Our request is reasonable. This Request will be fulfilled in Ninety Days from this Order.

- i. Furthermore, I may have another opportunity that they may be interested in.

The remaining Appellees: Brian Lavan and Associates, PC; deceased; Atty James Lanzetta; Joel R. Dault; Progressive Title Insurance Agency company a Michigan corporation; Atty David A. Lerner; Plunkett Cooney PC a Michigan corporation; Atty Timothy Macdonald; Atty Robert T. Detweiler deceased: Paul Wood, Deceased, Karla Volke Wood; Colleen K. Corcoran, Trustee. Request of \$5 Million Dollars, paid within (5) Five days of Order signed and will be deducted from the \$150 Million requested; or will increased to \$10 Million Dollars, on day (6) six and no deduction from the \$150 Million Tax free requested. This Request will be fulfilled in Ninety Days from this Order.

- j. This Court can grant us our request because; *Bass v. Hoagland*, 172 F. 2d at 207-08 (defendant did not participate in litigation). Our case shows none of the Appellees could or should be able to participate in this litigation because of their misconduct and fraudulent processes.

PLEADING AND PARTICULARS

- k. The Pro Se lack of experience and does not know how to calculate the fines of Discrimination, IIED, Fraud, Grossly Negligence, Cause of Action, specific intent, actual malice, willfulness; and Search and Seizure.

1. Reason for coming to 5% - 22% is, the Petitioner believe the lesser request would not put much burden on the lesser wealth. Additionally, the This Request will be fulfilled in Ninety Days from this Order. Believe there would not have an incentive to detour their actions. Once again, the This Request will be fulfilled in Ninety Days from this Order. I have no control of one's wealth, but everyone should shoulder equal debt ratio; according to one's wealth. For that reasoning the formula, can satisfy the request.
- m. The Respondent's wealth is an important part of the punitive damages equation. In *Las Palmas Assocs. v Las Palmas Center Assocs.* (1991)235 CA3d 1220, 1243, 1 CR2d 301, the court stated.
- n. Because punitive damages are intended to punish the wrongdoer, a wealthy wrongdoer should face a higher punitive damages award than a less wealthy party. *Neal v Farmers Ins. Exch.* (1978)21 C3d 910, 928, 148 CR 389 ("the function of deterrence . . . will not be served if the wealth of the defendant allows him to absorb the award with little or no discomfort").
- o. Therefore, this Honorable Court can award our request of \$150 Million Dollars Tax Free from Plunkett and Cooney P.C. Law Firm and \$450 Billion Dollars, Tax free from, Nuveen Asset Management and Teachers Insurance and Annuity Association of America; to the Appellant(s) with

their requested instructions. There will be a 5% increase if Respondent's go over the 90 days deadline.

I submitted a testimony from my experience of dealing with a major Oil Company President; that was willing to support me on a Multi- Billion Dollar Saving and Loan Bank. My supporters did not think I could get the money raised and procrastinated on not having the proper documents available for the Federal Deposit Insurance Corporation (FDIC) FDIC requirements available for the Thrift. (FYI) "Immediate Settlement is Welcome".

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. A. Smith". The signature is written in a cursive, flowing style and is positioned above a solid horizontal line.

Date: December 13, 2022